

DD/A ROM/SECURITY
87-0843X

MEMORANDUM FOR: Deputy Director for Administration

FROM: SUBJECT: Agency Notice on FOIA Fees and Fee Waivers
for Publication in the Federal Register

1. An Agency notice implementing provisions of the FOIA Reform Act of 1986 is attached for your approval. The Act specifically requires all Executive Branch agencies to publish such a notice. Our notice combines provisions of the statute, guidelines drafted by OMB and the Department of Justice, and portions of existing CIA regulations on fees. In point of fact, the specificity of the statute allows little flexibility in the notice.

2. The significant provisions concern fee waivers and categories of requesters. Previously, fee waivers were almost obligatory if the subject of the request was such that the disclosure could arguably be held out as benefiting the general public. Under the new provisions, the information requested must make a significant contribution to the public's understanding of the U.S. Government's operations and activities. Since most of our information concerns foreign affairs and governments, a waiver would not usually be appropriate. However, all requesters, other than commercial use requesters are allowed, by terms of the statute, the first two hours of search and the first 100 pages of material free. For many requesters this will be the equivalent of a waiver. Commercial use requesters, on the other hand, can be billed not only for the costs of search and duplication but also for the time spent reviewing the documents to identify exempt information.

3. To abide by the terms of the statute, this notice must be in the hands of the Federal Register by 25 April 1987. Mr. and I will be happy to try to answer any questions you may have.

Attachment approved
by DDA - 24 Apr 87

FOIA REGISTRY

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